

## **SECTION D - COMPENSATION PROVISIONS FOR LIMITED TERM EMPLOYEES (LTEs)**

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## **INTRODUCTION**

This Section (Section D) governs the pay of limited term employees (LTEs) in the classified and unclassified service. Provisions contained in this Section (Section D) include beginning base pay rates, base pay rate adjustments, overtime, supplemental pay, and health insurance and retirement contributions for eligible participating LTEs. The alphabetical listing of LTE class titles and maximum (Not To Exceed – “NTE”) pay rates for limited term employment pay schedule 18 is also included.

## **1.00 Coverage**

The provisions of this Section (Section D) govern the compensation of all LTEs in the classified service and, pursuant to s. 230.12(1)(a)1.b., Wis. Stats., employees with comparable status in the unclassified service. LTEs are employed in positions in either the classified or unclassified service that meet the respective definition under 1.01 or 1.02 below.

### **1.01 Classified Service**

An LTE appointment is employment in the classified service in which the nature and conditions do not permit attainment of permanent status in class, for which the use of normal procedures for recruitment and examination are not practicable, and is not project employment.

### **1.02 Unclassified Service**

An LTE appointment is employment in the unclassified service in which the employee would have been considered an LTE, had employment been in the classified service.

See also s. 230.26, Wis. Stats., and Chapter ER 10, Wis. Adm. Code.

## **2.00 Beginning Base Pay Rates for Limited Term Appointments**

LTEs must be paid at least the state or federal minimum wage, whichever is greater, unless a lower wage is authorized pursuant to Section 14 of the Fair Labor Standards Act. In addition, the following provisions apply:

### **2.01 Limited Term Appointments in the Classified Service**

- (1) LTE appointments to positions allocated to LTE class titles in pay schedule 18.
  - (a) Base pay rates shall not exceed the limits specified in the chart found in 6.00 of this Section (Section D) for the LTE class title. In those cases where no specific rate is listed, base pay rates, generally, shall not exceed the rate paid for similar types of services provided on a permanent basis.
  - (b) The listed "Not to Exceed" rates shall not be considered the appropriate rate of pay for all appointments to a particular LTE class. Rates for appointments may be set by the appointing authority at up to the rate indicated in the chart found in 6.00 of this Section (Section D), based on the nature of the work to be performed and the prevailing pay practices where the positions are located.

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- (c) For classes where the pay limitation is identified as "usual and customary fee," documentation should be retained by the appointing authority as to how the specific amount was determined.
- (2) LTE appointments to positions allocated to classifications used for permanent positions.
  - (a) When the work to be performed by an LTE is not identified by an LTE class title listed in pay schedule 18, the most appropriate classification to which permanent positions are assigned should be used for the LTE position.
  - (b) LTEs are eligible to be paid up to the minimum of the pay range for the applicable classification to which permanent positions are assigned except that:
    - 1. The base pay rate shall be below the applicable pay range minimum if the employee is designated as a "trainee" for one or more of the following reasons.
      - a. The LTE employment involves either formal or informal training beyond that normally provided to a newly appointed worker.
      - b. The knowledge, skills and/or abilities of the employee are lower than those normally required of an employee in the classification.
      - c. The duties and responsibilities assigned to the LTE are less complex and/or responsible than those normally assigned to a permanent employee in the same classification and there is no lower level permanent classification that is applicable.

**NOTE:** It is not necessary to formally designate an LTE position as "trainee" to be able to pay below the minimum of the pay range. However, appointing authorities should apply consistent pay standards when determining the pay for incumbents of LTE positions deemed to be "trainee" in nature.

- 2. Under certain limited circumstances, the base pay rate may be above the pay range minimum of the applicable permanent classification. If any of the following conditions are met, the appointing authority has the discretion to establish a base pay rate above the pay range minimum.
  - a. Hiring Above the Minimum (HAM) authority has been approved by DER for the LTE position or on a continuing basis for positions in the applicable permanent classification.

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- b. The LTE is a former classified permanent employee with reinstatement eligibility or restoration rights to the applicable permanent classification and the duties of the LTE position are related to those of the previous permanent position(s). If so, the allowable maximum base pay rate is determined in accordance with the reinstatement/restoration provisions of the applicable collective bargaining agreement and/or Section I, 4.07 and 4.08 of this Plan.

**NOTE:** Pay upon reinstatement provisions that supersede or supplement those provided in the Rules of the Secretary apply to classifications assigned to a number of represented and nonrepresented pay schedules.

- c. The LTE is also a current classified permanent employee; the duties and responsibilities of the LTE position are related to those of the permanent position; and the base pay rate is not higher than the employee's permanent rate of pay. However, the base pay rate may not exceed the maximum of the pay range for the counterpart permanent class of the LTE position.
  - d. A raised minimum rate (RMR) is in effect for positions in the applicable permanent classification and the LTE is performing at the same level as a permanent classified employee (i.e., not in a "trainee" status).
  - e. The LTE position is allocated to a classification in a broadband pay schedule. The pay on appointment flexibility for starting an employee (Section I, 4.04(2) of this Plan) at not more than the applicable appointment maximum may be used.
- (c) LTEs in craftworker related positions shall be paid no more than the applicable gross prevailing rate. Those who are determined to be Wisconsin Retirement System eligible may be paid no more than 89.7% of the applicable gross prevailing rate.

## 2.02 Limited Term Appointments in the Unclassified Civil Service

The rate upon appointment should be equal to the rate which would be payable upon appointment to a similar position in the classified service, as determined by the appointing authority.

## **Section D-2.03**

### **2.03 Incentive and Retention Award Pilot Program for Seasonal Limited Term Appointments**

Subject to conditions established by the DER Secretary, an appointing authority may provide an Incentive and Retention Award not to exceed \$500.00 for critical **seasonal** LTE appointments. Prior to granting any awards under this pilot project, the agency must provide a written plan to the DER Secretary outlining the reason(s) for the awards and the criteria under which they will be granted.

## **3.00 Base Pay Adjustments for LTEs**

### **3.01 If Paid Below the Maximum Rate for an LTE Class Title**

- (1) An LTE who is paid below the maximum rate indicated for the LTE class title listed in pay schedule 18 may have his or her base pay rate adjusted, by the appointing authority during the fiscal year, to a rate not to exceed the maximum indicated rate.
- (2) For increases granted to LTEs in class titles for which a "usual and customary fee" limit applies, documentation should be retained by the appointing authority as to the basis for such increases. (For example, an increase in the usual and customary fee for the occupation, initial pay set at below the usual and customary fee, etc.)

### **3.02 If Pay Range of Permanent Classification is Reassigned**

An LTE in a position allocated to a classification also used for permanent positions who is eligible to be paid at the minimum of the pay range may have their base pay rates adjusted to a rate not exceeding the new minimum of the pay range if the classification is reassigned to a different pay range, if the pay range minimum is adjusted, or if a raised minimum rate is in effect for the classification.

### **3.03 If Paid Below the Minimum of the Pay Range for a Permanent Class Title**

An LTE in a position allocated to a classification used for permanent positions who is paid below the pay range minimum, but who is eligible to be paid up to the minimum, may have his or her base pay rate adjusted up to the pay range minimum of the classification.

### **3.04 Ineligibility for Regrade Increases**

An LTE is not eligible to receive an increase as a result of a regrade (i.e., LTE positions are not reclassified).

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### 3.05 Eligibility for Other Base Pay Adjustments or Lump Sum Payments

An LTE is not eligible for any type of increase except:

- (1) The increases stated in 3.01 through 3.03 of this Section (Section D);
- (2) An LTE hired under 2.01(2)(b)2.b. of this Section (Section D) may have his or her base pay rate adjusted by the General Wage Adjustment (GWA) shown in Section A, 2.01(3)(a) of this Plan on the effective date of the GWA, subject to the applicable pay range maximum; and
- (3) An LTE hired under 2.01(2)(b)2.c. of this Section (Section D) may have his or her base pay rate adjusted by the GWA shown in Section A, 2.01(3)(a) of this Plan on the effective date of the GWA, not to exceed the employee's permanent rate of pay and subject to the applicable pay range maximum.

## 4.00 Overtime, Supplemental, and Holiday Pay

### 4.01 Overtime Pay for LTEs with Nonexempt Status

Overtime pay for LTEs who are nonexempt from the overtime provisions of the Fair Labor Standards Act (FLSA) shall be in accordance with the provisions of the FLSA and related federal regulations. See Chapter 516 of the Wisconsin Human Resources Handbook for an explanation of these provisions.

### 4.02 Overtime Pay for LTEs with Exempt Status

LTEs who are exempt from the overtime provisions of the FLSA (e.g., attorneys, physicians, dentists, and teachers) must receive the straight rate for all overtime work hours unless the work performed is in an occupational area where it is customary to work overtime hours without additional payment. If LTEs work overtime hours without additional payment, agencies must maintain records to document that such appointments are for less than a total of 1044 actual work hours per year pursuant to s. 230.26, Wis. Stats.

### 4.03 Payment Only for Hours Worked

Pursuant to Chapter ER 10, Wis. Adm. Code, LTEs must be paid only for actual hours worked. LTEs cannot be granted compensatory time off as payment for overtime or holiday work hours.

<p><b>NOTE:</b> Pursuant to ss. 230.26 and 230.35, Wis. Stats., LTEs do not qualify for paid holidays or any other type of paid leave.</p>
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## **Section D-4.04**

### **4.04 Supplemental Pay**

LTEs may receive the same types of supplemental pay (e.g., weekend differential, night differential, etc.) as permanent employees in the same or most closely related classification.

Medical Consultant LTE employees whose positions require the possession of a license to practice medicine pursuant to s. 448.05, Wis. Stats., may be provided the supplemental pay in all of the provisions of Section A, 4.15 of this Plan. Medical Consultant LTE employees whose positions require the performance of duties of a Dentist Supervisor or Dentist Management may be provided the supplemental pay in Section A, 4.15(2) of this Plan.

### **4.05 Payment for Holidays Worked**

LTEs must receive payment at the premium rate for all holiday work hours as provided in s. 230.35(4)(b), Wis. Stats.

## **5.00 Benefit Provisions**

### **5.01 Health Insurance Premiums**

As provided under Chapter 40, Wis. Stats., and this Plan, the provisions for state payment of health insurance premiums for insured LTEs are identical to the provisions for insured nonrepresented permanent classified employees.

### **5.02 Retirement Contributions**

See s. 40.05(1)(b), Wis. Stats., for information regarding state payment of employee retirement contributions for participating LTEs.

**Section D-6.00**

**6.00 Alphabetical List of Class Titles, Codes and Maximum Pay Rates for the Limited Term Employment Pay Schedule 18**

<b>ALPHABETICAL LIST OF CLASS TITLES, CODES, AND MAXIMUM PAY RATES FOR LIMITED TERM EMPLOYMENT PAY SCHEDULE 18</b>		
<b>CLASS TITLE</b>	<b>CLASS CODE</b>	<b>2003-05 MAXIMUM PAY RATE A/K/A NOT TO EXCEED (NTE) RATE</b>
Archaeology Assistant	94009	NTE Minimum PR 06-10
Archaeology Crew Leader	94012	NTE Minimum PR 06-13
Archaeology Lab Technician	94010	NTE Minimum PR 06-11
Artists Model	94130	NTE Usual & customary fee
Assistant Guide	94150	NTE Minimum PR 06-05
Assistant Naturalist Guide	94140	NTE Minimum PR 06-08
Civil Engineer-Transportation SET* (*Student Engineer Trainee)	94290	NTE Minimum PR 14-46
Clerical Helper	94300	NTE The federal minimum wage + \$3.50
Crafts Worker	94320	NTE Area Prevailing Rate
Crowd Control Officer	94330	NTE Usual & customary fee
Dental Consultant	94350	NTE Usual & customary fee
IS Professional Consultant LTE	94000	NTE Usual & customary fee
Lifeguard	94560	NTE Minimum PR 06-08
Medical Consultant	94600	NTE Usual & customary fee
Professional Consultant	94680	NTE Usual & customary fee
Psychological Consultant	94700	NTE Usual & customary fee
Psychologist Intern-Level I	94721	NTE Minimum PR 12-04
Psychologist Intern-Level II	94722	NTE Minimum PR 12-04
Special Activities Helper	94820	NTE Minimum PR 06-06
Stage Hand	94850	NTE Prevailing rate
Temporary Nurse	94770	NTE Maximum PR 11-09
Vocational Rehabilitation Assistant	94920	NTE Minimum PR 12-04